

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOSHUA LEE REDDING,

Plaintiff,

V.

SNOHOMISH COUNTY JAIL, et al.,

Defendants.

Case No. 2:18-cv-01536-BJR

**ORDER DENYING MOTION TO
RE-AMEND COMPLAINT, DKT.
40**

On October 4, 2019, plaintiff filed a motion to Re-Amend Cmplaint. Dkt. 40. The motion states plaintiff “noticed that the Defendant may also be in violation of the 4th Amendment’s: objective reasonableness standard which prohibits ‘unduly tightening of handcuffs’ (*Lyons v. City of Xenia*).” *Id.*

The Court **DENIES** the motion. In *Lyons v. City of Xenia*, 417 F.2d 565, 575 (6th Cir. 2005), police officers were investigating an alleged assault at the Dodd residence. Lyons was charged with obstructing, resisting arrest and assault. After a jury acquitted her, she filed a civil suit alleging the police use excessive force during her arrest. The Court of Appeals stated the Fourth Amendment “prohibits unduly tightening in the course of an arrest.” *Id.*

In contrast, this case does not involve actions taken by a police officer during an arrest. Rather this case involves the claim the defendant jail officer used excessive force against plaintiff, a pretrial detainee. For actions brought by pretrial detainees, such plaintiff, excessive

1 force claims arise under the Fourteenth Amendment's Due Process Clause. *See Kingsley v.*
2 *Hendrickson*, 135 S. Ct. 2466, 2473 (2015) (A pretrial detainee must show force purposely or
3 knowingly used against him was objectively unreasonable under the Fourteenth Amendment).
4 The complaint herein already alleges violations of the "14th Amendment Rights Violations" and
5 hence no further amendment is necessary to include this legal basis. *See* Complaint, Dkt. 4 at 3.

6 For these reasons, the Court **ORDERS**:

7 (1) The motion to re-amend, Dkt. 40 is **DENIED**. The Fourth Amendment does not
8 apply to plaintiff's allegation; rather the Fourteenth Amendment applies and plaintiff's original
9 complaint already alleges a violation of this Amendment.

10 (2) The Clerk shall provide a copy of this Order to the parties.

11 DATED this 7th day of October, 2019.

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14 BRIAN A. TSUCHIDA
Chief United States Magistrate Judge